

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

JUNE 2007

Warren Jones Named Supreme Court Justice

Governor C.L. "Butch" Otter named attorney Warren Jones to the Idaho Supreme Court. Jones, an insurance defense attorney at the law firm of Eberle Berlin, Kading, Turnbow, McKlveen and Jones, will fill the vacancy left by Chief Justice Gerald Schroeder who leaves the court at the end of July. This term is set to expire in January of 2009, meaning Jones will stand for election in May of 2008.

In a press release issued from the Governor's office, Governor Otter said "His colleagues in the Idaho Bar agree that he is balanced, fair and impartial, and that his temperament will fit well in a collegial setting with the other justices." The Governor also commented on his desire to fill the position with someone who could bring a wealth of civil litigation experience to balance out the other justices who came directly from positions as judges or in the Attorney General's Office.

Jones, a lawyer for 37 years, graduated from Albertson College of Idaho and the University of Chicago Law School. Jones, 67, has two grown stepchildren, and a wife, Karen who is a retired nurse.

Justice Trout Announces Retirement

Supreme Court Justice, Linda Copple Trout announced her retirement set for the end of August. Trout, who served as a magistrate judge from 1983 -1990 and a District Judge from 1990-1992, was the first woman appointed to the Idaho Supreme Court, when Governor Andrus appointed her in 1992.

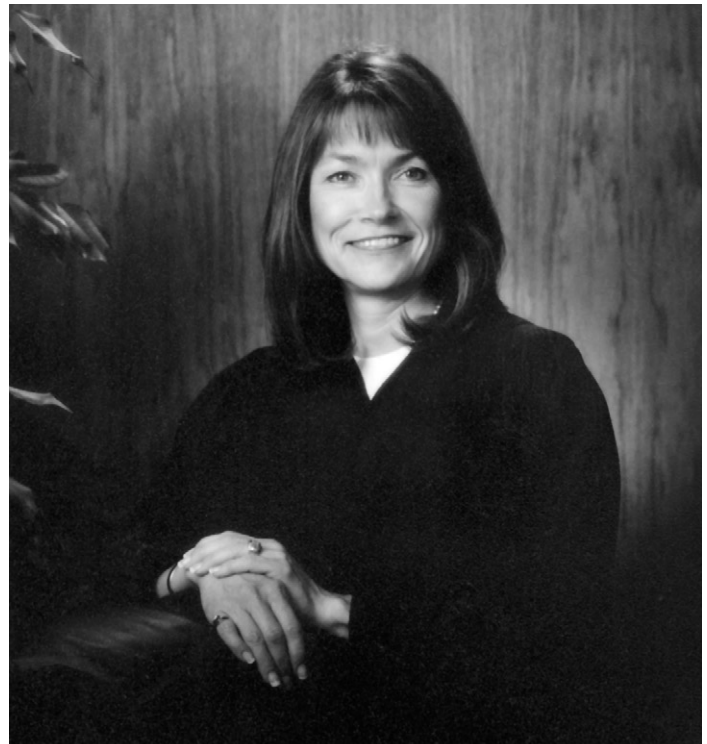
She notes that by leaving before the end of her term she provides Governor Otter with the opportunity to appoint an individual based on their "qualifications, legal ability, wisdom and integrity."

As an alternative to the current system, Justice Trout supports a yes-or-no retention system similar to that used currently for Idaho's magistrate judges. Under this system, a judge, once recommended by

the Judicial Council and then appointed by the Governor, would go through a performance evaluation that is open to the public; during an election cycle, the electorate would vote on whether or not to retain the sitting judge.

Reflecting on the positive changes she has seen during her 25 years of service, Justice Trout names the development of problem-solving courts as one of the most significant advancements in Idaho's legal system. Trout also notes that many challenges remain as caseloads continue to increase and there is an ever-pressing demand for new and innovative solutions.

Justice Trout notes she will miss having an impact on the interpretation of law in Idaho, adding, "it is a wonderful and challenging job." Without any specific plans after departing from the court, Trout knows for sure that she will apply to serve as a Senior Judge and will wait to see what opportunities will arise.



Idaho Supreme Court Justice Linda Copple Trout.

Law School Inaugurates Visiting Jurist Program

Between April 11 and April 25, 2007, Chief Justice Gerald F. Schroeder, inaugurated the **Justice Alfred Budge Visiting Jurist Program** at the University of Idaho College of Law. The U of I College of Law's newsletter *First Monday* reported that "during his service as the law school's first jurist in residence, Chief Justice Schroeder undertook research on a work of scholarship, guest-taught classes in civil procedure and professional responsibility, met with University of Idaho President Timothy White, participated in the McNichols Inn of Court, and engaged in a busy schedule of consultations with students, faculty, and other visitors to the law school."

The **Justice Alfred Budge Visiting Jurist Program** was established in May 2003. Operational expenses are funded by an endowment established by Justice Budge's son, Hamer, himself a distinguished jurist and member of Congress. The stated purpose of the visiting jurist program is "to enhance understanding of the judicial function in a democracy grounded in the rule of law, and to encourage research on improving the administration of justice."

Further information about the visiting jurist program is available from Dean Burnett: dburnett@uidaho.edu

Moscow Shooting Closes Courthouse

The community of Moscow grieves for the victims of the shootings that took place in the evening of May 19th and morning of the 20th. Before taking his own life, Jason Hamilton killed his wife, Crystal Hamilton, an officer of the Moscow police department, Lee Newbill, and Paul Bauer the sexton of the First Presbyterian Church. A University of Idaho student and a sheriff's deputy with the Latah County Sheriff's office suffered multiple bullet wounds.

It is understood that late Saturday night Hamilton killed his wife, Crystal, in their home. Hamilton then shifted his focus to the sheriff dispatch station adjacent to the Latah County Courthouse, shooting at random into both. Sergeant Lee Newbill was fatally shot and Sheriff's Deputy Brannon Jordan and U of I student Pete Husmann were wounded in the battle that ensued. Hamilton then hid in the First Presbyterian Church where he killed sexton Paul Bauer and then killed himself.

The motive for the shootings is still unclear. However, Hamilton had a record of violence and domestic abuse and was held for psychiatric evaluation earlier in the year.

After the shootings, the Latah County Courthouse issued an emergency order and temporarily closed to the public. The emergency order provided extensions and allowed for a delay in procedures and deadlines.



Juvenile Mental Health Court "Juveniles Making Progress" Mental Health Court Opens in Jefferson County

May 30th marked the beginning of the first Juvenile Mental Health court in Idaho. Years in the making, the "Juveniles Making Progress" Court is the result of a massive effort on the behalf of individuals from multiple state agencies and the dedication and leadership of Magistrate Judge Michael Kennedy.

After years of presiding over Juvenile Drug Court in Jefferson County, Magistrate Judge Kennedy knew that many young people he saw in his courtroom needed mental health services not provided for in the

juvenile drug courts or the adult mental health courts. He also knew that a small group of people can put an inordinate amount of strain on the system if a risk for recidivism is not addressed swiftly and efficiently.

Seeing a group of young people who needed unique services, Judge Kennedy and others believed that the problem-solving methods used in juvenile drug courts could be successful for juveniles in the system with mental health issues. They knew the answer was to create a juvenile mental health court; the question was how to go about structuring a program. Juvenile mental health courts are a very new concept, fewer than a dozen exist nationally, leaving Judge Kennedy and others with few resources and nowhere to receive training.

Dedicated to the cause, Judge Kennedy and other interested parties, including individuals from the Department of Health and Welfare, Juvenile Corrections, state representatives, children's mental health experts, and treatment providers met frequently to keep up the momentum. After receiving a tentative green light from the Idaho Supreme Court, the committee overcame the first logistical hurdle by drafting a memorandum of understanding to align the differences in the rules and regulations of the many agencies involved. The next move was to reach out to other resources.

In February of this year, members of the committee made a site visit to the first juvenile mental health court, started in 2001 in Santa Clara, California. The Idaho delegation met with the program's founder, David Arredonodo who provided them with some helpful tips and guidelines about running a juvenile mental health court. They hope that with continued help from Arredondo, Idaho will be able to help train others around the country initiate similar programs.

Currently, juveniles ages 12-17 with "a serious emotional disorder or neurobiological disorder," including anxiety, bi-polar, psychotic disorders or those with co-occurring substance abuse issues, and high criminality are eligible to begin the program. The plan is to start small (there are three enrollees currently) and then expand to a dozen or more participants from Jefferson, Madison and Freemont counties. Committee members also hope to extend the program into Bonneville County.

When asked about why he believes the "Juveniles Making Progress" program will be successful, Judge Kennedy said "The "wrap around process" offered by the court, provides the youth with a layering of services to monitor and ensure that services are fully and effectively used." As the program identifies young people and families who need help above and beyond what the current system can provide, Judge Kennedy also sees "Juveniles Making Progress" having a positive impact on the community and justice system.



Legal Information or Legal Advice

The fear of giving "legal advice" when asked questions about court procedures or how to bring a case in court has always been a concern for court clerks and staff. This concern often led to the non-responsive "I'm sorry, I can't give you legal advice" which would frustrate the person seeking help as well as the court clerk who wanted to help, but felt prohibited from doing so.

Because of the large numbers of self-represented litigants entering the courts, this issue has been the subject of a great deal of study and debate by nationally respected organizations and experts. A clearer definition and distinction between "legal advice", which is prohibited, and "legal information" which can be provided, has now become quite common across the country and are generally based on the study conducted by John Greacen which can be found at: http://www.ajs.org/prose/pro_greacen.asp Idaho has adopted these definitions in its Guidelines for Court Assistance Services and provides guidance on these standards in the Court Clerk's Manual and training programs.

On May 10th, a full day seminar was presented to Deputy Court Clerks in the 7th Judicial District with a substantial portion of the day dedicated to this subject. An interactive video presentation developed

by the Michigan Judicial Institute was used to show practical examples of the types of questions which can and should be answered, and those which should not. This excellent teaching tool was well received with comments that it could be easily used in each county to train new clerks as they were hired.

For judges who would like to learn more about "legal information" versus "legal advice," the internet link to this presentation is: <http://216.120.158.94/wbt.html> Instructions on the requirements to run the program are provided, but if help is needed to access the program, contact Judge Michael Dennard: mdennard@idcourts.net

Idaho Legal Aid Services Senior Hotline

Idaho Legal Aid Services is once again operating a Senior Hotline to provide legal information and assistance to seniors age 60 and over. According to Sunrise Ayers, a legal aid attorney managing the Hotline, this service is available to all seniors, not just those who are low-income. Seniors receive assistance on problems with Medicare and social security issues, landlord/tenant disputes, debt collection, guardianships and other court proceedings. Ms. Ayers described the Hotline at a recent court assistance training program on April 23rd at the Idaho Institute for Court Management. The Hotline's toll free number is (866) 345-0106 or Español (866) 954-2591.



Pictured (L-R): Judge Smyser, Judge Varin, Judge Walker, Judge C. Robinson, Justice Burdick, the late Judge Carlson, Judge Wood, Judge Ingram, Judge Stoker, Judge Butler, Judge Harris, and Judge Borresen.

Judge Monte Carlson Passes Away

The Honorable Monte Basil Carlson passed away unexpectedly on Sunday, June 3, 2007. He was 64 years old. A funeral was held on Saturday, June 9 at the Burley Stake Center of The Church of Jesus Christ of Latter-day Saints, with Bishop Sheldon K. Sorensen officiating. He was a humanitarian, and a "dedicated family man with strong religious convictions."

Judge Carlson was appointed to the Fifth District in 1998. He was instrumental in establishing the drug court program in the Fifth District, and is remembered for his influence on the lives of its participants.

The members and staff of the Idaho Supreme Court extend condolences to the family of Judge Monte Carlson. He will be greatly missed. Individual expressions of condolence may be sent to Diane Carlson at 1018 East 18th Street, Burley, Idaho 83318.

For the full obituary and articles written about Judge Carlson shortly after his death, go to <http://www.magicvalley.com/archives> and enter a search for Monte Carlson.

Walker Sworn in as Camas County Magistrate Judge

Jason D. Walker took the oath of office on Friday, June 1 at the American Legion Hall in Fairfield.

Judge Walker attended Ricks College, Utah Valley Community College and Brigham Young University. He received a degree in law from the University of Idaho College of Law. He passed the bar in 1998. Prior to taking the oath of office, Judge Walker was a partner in the law firm of Ling, Robinson and Walker in Rupert, Idaho, as well as Minidoka County Prosecuting Attorney.

Judge Walker and family plan to move to the Camas Prairie mid-summer.



Judge Bush presenting the plaque to Judge White.

Reception Honors Judge White

On Friday, June 22, 2007, more than 100 colleagues and friends of Judge Boyd B. White attended a reception at the Bannock County Courthouse to honor Judge Boyd B. White and celebrate his semi-retirement after 24 years on the bench in Idaho's 6th Judicial District. Judge White will remain a senior judge with the Idaho judicial system, being called upon by other districts of the state as the need arises. Judge Ron Bush presided over the event. He presented Judge White with a commemorative plaque. In his remarks to the group, Judge Bush said that Judge White "was a special judge whose commitment to the job and compassion for the people was unwavering." Judge White plans to spend more time with his wife of 39 year, his three children and 11 grandchildren.



Judge White and wife, Karen.

Governor Names District Judges

On June 6, 2007, Governor C. L. "Butch" Otter named two new district judges who will fill one vacancy each in the 3rd District and in the 6th District.

Magistrate Judge Thomas J. Ryan will fill the vacancy in the 3rd District that was created by the retirement of Judge James C. Morfitt. Judge Ryan, who received his law degree from the University of Idaho College of Law, has run the district's Drug Court program and been very involved in creating the Canyon County Youth Court program.

Pocatello attorney **David C. Nye** will fill the 6th District vacancy created by the elevation of Judge Randy Smith to the 9th U. S. Circuit Court of appeals. Judge Nye received a law degree from J. Reuben Clark Law School.

For the full press release, go to:

http://gov.idaho.gov/mediacenter/press/pr2007/prjun07/pr_049.html

Twin Falls Magistrate Judge Applicants

The following have filed applications to fill a Magistrate Judge position in the 5th District, formerly held by Judge Stoker.

Jonathan P. Brody

Daniel M. Dolan

Richard D. Greenwood

Thomas D. Kershaw, Jr.

Eileen A. McDevitt

John Meienhofer

Marilyn B. Paul

Barbara J. Richart

Jay Q. Sturgell

Anthony M. Valdez

Applicants for 7th District Judge

The following people have filed application to fill a District Judge position in the 7th District.

J. Scott Andrew

Prosecuting Attorney

Bingham County, Blackfoot

Robin D. Dunn

Prosecuting Attorney

Jefferson County, Rigby

Carter R. Mackley

Lawyer in private practice

Seattle, Washington

Nancy J. Monson

Lawyer in private practice

Idaho Falls

Joel E. Tingey

Lawyer in private practice

Idaho Falls

Stevan H. Thompson

Lawyer in private practice

Idaho Falls



PROBLEM-SOLVING COURTS



Problem-Solving Toolkit

During an education session of the Committee on problem solving courts at the 2004 CCJ/COSCA meeting, participants identified the need for a "toolkit" to help jurisdictions interested in using problem-solving court principles. Following the meeting, the National Center for State Courts obtained funding to create an online, interactive toolkit and is pleased to announce its availability.

The Toolkit includes steps for building a problem-solving approach, links to hundreds of online resources, and video clips of judges, attorneys, social workers and court managers discussing different topics related to problem-solving courts.

Additional information is available at:

http://www.ncsconline.org/d_research/ProblemSolvingCourts/ProblemSolvingCourts.html

JUDICIAL/ADMINISTRATIVE NEWS
is published by the Idaho Supreme Court.

Chief Justice Gerald F. Schroeder

Justice Linda Copple Trout

Justice Daniel T. Eismann

Justice Roger S. Burdick

Justice Jim Jones

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

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Thanks!



Note: For the most up-to-date Judicial Calendar, check the Judiciary's homepage at <http://www.isc.idaho.gov/calendar.htm>

